

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 2094 - HB 2195

March 30, 2009

SUMMARY OF BILL: Requires a person convicted of a Class A misdemeanor who has previously been convicted of 10 or more Class A misdemeanors in the previous 10 years from the date of the offense for which the defendant is being sentenced to be sentenced to a Class E felony.

ESTIMATED FISCAL IMPACT:

Decrease State Revenue – Not Significant

Increase State Expenditures - \$391,000/Incarceration*

Decrease Local Revenue – Not Significant

Decrease Local Expenditures – Not Significant

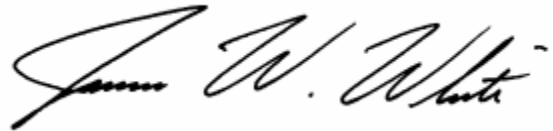
Assumptions:

- The Department of Correction (DOC) estimates 10 additional offenders per year will be sentenced to a Class E felony rather than a Class A misdemeanor as a result of this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in one additional offender. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 11 offenders.
- According to DOC, the average post-conviction time served for a Class E felony is 1.63 years and the average operating cost per offender per day for calendar year 2009 is \$59.80. The cost per offender at 1.63 years is \$35,548.11 (\$59.80 x 594.45 days). The total additional operating cost for 11 offenders is \$391,029.21 (\$35,548.11 x 11).
- Since this bill is not lengthening the sentence or increasing the penalty for an existing offense, no recidivism discount has been included.
- The increase in sentence for some offenses from a Class A misdemeanor to a Class E felony would result in a slight decrease in the number of prosecutions in general sessions courts. The decrease in revenue and expenditures to local government will not be significant.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc